

**REMARKS**

Reconsideration and allowance of the subject application are respectfully requested. Claims 1-9 are now pending, claim 1 being independent. In this Reply, Applicants have amended claims 1-4 and added new dependent claims 5-9. Applicants have also made minor amendments to the specification to address informalities.

**Prior Art Rejection**

Claims 1-4 stand rejected under 35 U.S.C. § 102 as allegedly being anticipated by *Vorih et al.* (U.S. Patent 6,321,701). This rejection is respectfully traversed.

Independent claim 1 is directed to a valve system for an internal combustion engine, which comprises: a variable valve control mechanism for providing control to selectively open and close intake valves or exhaust valves according to supply/release of pressurized oil from an oil pressure source via an oil channel; and an accumulator provided upstream of the variable valve control mechanism, the accumulator having a body, a portion of which is inserted into and fixed in a hole formed in a cylinder head of the internal combustion engine, the accumulator being provided for accumulating pressurized oil supplied to the variable valve control mechanism.

Thus, according to the valve system recited in claim 1, the accumulator, which accumulates pressurized oil for supply to the variable valve control mechanism, is inserted into and fixed in a

hole formed in the cylinder head of the internal combustion engine. According to an embodiment of the present invention discussed for example on page 18, paragraph [0062] of the specification, by providing the accumulator as an element that is inserted into and fixed to the cylinder head, the accumulator can be more easily replaced and maintained and the internal arrangement of the cylinder head can be made less complicated.

In rejecting independent claim 1, the Examiner relies on the valve actuation system for an internal combustion engine as disclosed in *Vorih*. Applicants submit, however, that *Vorih* discloses an accumulator 300 that is combined in a cylinder head as a unit, see e.g., Fig. 3. Consequently, this reference fails to disclose, or even suggest, an accumulator having a body, a portion of which is inserted into and fixed in a hole formed in the cylinder head of the internal combustion engine as recited in independent claim 1.

According to MPEP § 2131, "a claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051 (Fed. Cir. 1987). "The identical invention must be shown in as complete detail as is contained in the ... claims." *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 1236, 9 USPQ2d 1913 (Fed. Cir. 1989).

At least in view of the above, Applicants submit that the Examiner's reliance on *Vorih* fails to establish anticipation of independent claim 1, or any claim depending therefrom.

In view of the above, Applicants respectfully request reconsideration and withdrawal of the Examiner's rejection under 35 U.S.C. § 102.

**Conclusion**

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact the undersigned at the telephone number below, to conduct an interview in an effort to expedite prosecution in connection with the present application.

Applicants respectfully petition for a one (1) month extension of time pursuant to 37 C.F.R. §§ 1.17 and 1.136(a). A check in the amount of \$110.00 in payment of the extension of time fee is attached.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. §§ 1.16 or 1.17; particularly, extension of time fees.

Respectfully submitted,

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